

ORDINANCE NO. 2000-063

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 27, ARTICLE IV, PALM BEACH COUNTY CODE (ORDINANCE NO. 96-3, AS AMENDED BY ORDINANCE NO. 96-29, KNOWN AS THE PALM BEACH COUNTY WASTEWATER FACILITIES USE ORDINANCE); PROVIDING DEFINITION OF CATEGORICAL PRETREATMENT STANDARDS; PROVIDING FOR PROHIBITIONS AND LIMITATIONS OF DISCHARGE; PROVIDING FOR INDUSTRIAL WASTEWATER SURCHARGES; PROVIDING FOR INDUSTRIAL WASTEWATER DISCHARGE PERMITS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County owns, operates and controls a wastewater collection, transmission, treatment and disposal system; and

WHEREAS, the Board of County Commissioners of Palm Beach County enacted Ordinance No. 96-3, as amended by Ordinance No. 96-29, which is codified at Chapter 27, Article IV, Palm Beach County Code; and

WHEREAS, in an effort to comply with regulations issued by the State of Florida Department of Environmental Protection, the Board of County Commissioners of Palm Beach County desires to amend provisions of Chapter 27, Article IV, Palm Beach County Code relating to local discharge standards and industrial wastewater surcharges; and

WHEREAS, the Board of County Commissioners of Palm Beach County deems this Ordinance to be necessary for the health, safety and welfare of the citizens of Palm Beach County and for the protection of the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. The definition of *Categorical pretreatment standard* in Section 27-65 of Chapter 27, Article IV of the Palm Beach County Code is hereby amended as follows:

Categorical pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency (EPA) in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471, as amended.

Section 2. Section 27-69 of Chapter 27, Article IV of the Palm Beach County Code is hereby amended as follows:

Sec. 27-69. Prohibitions and limitations of discharge.

No person shall discharge or cause to be discharged any wastewater into the PBCWUDWWS unless in accordance with the specifications and standards of this article and those provided in the ~~county water utilities department~~ UPAP, as amended from time to time.

(1) *General discharge prohibitions.* No user shall discharge or cause to be discharged into the PBCWUDWWS:

a. Any waste which may result in pass-through or interference as defined herein;

~~b. Any wastewater containing more than six hundred (600) parts per million (ppm), (600 mg/L by weight) of chlorides;~~

~~c.b.~~ Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five and five-tenths (65.5) degrees Celsius), or which inhibits biological activity in the PBCWUDWWS, resulting in interference; but in no event shall the wastewater cause the temperature of the discharge from the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius);

~~d.c.~~ Any wastewater having a pH lower than five point five (5.5), exhibiting any corrosive property, which either singly or by interaction with other wastes is capable of causing damage to structures, equipment, surrounding environment, processes, or personnel of the ~~cCounty wWater uUtilities~~ ~~dDepartment~~;

~~c.d.~~ Any wastewater having a pH higher than nine point five (9.5), which either singly or by interaction with other wastes is capable of causing damage to structures, equipment, surrounding environment, processes, or personnel of the cCounty wWater uUtilities dDepartment;

~~f.e.~~ Any wastewater ~~containing grease and/or oil or which exceeds one hundred (100) parts per million (ppm);~~ or substances that may solidify or become viscous at a temperature between thirty-two (32) degrees Fahrenheit, and one hundred fifty (150) degrees Fahrenheit (zero (0) degrees Celsius and sixty-

1 five and five-tenths (65.5) degrees Celsius). Interceptors shall be required to
2 properly handle these wastes in accordance with this article and as provided
3 in the ~~county water utilities department~~ UPAP, as amended from time to
4 time;

5 g.f. Any wastewater which will cause obstruction to the flow in a sewer or
6 interfere with the operations of the PBCWUDWWS, such as but not limited
7 to, particles of garbage with particles which are greater than one-half (1/2) inch
8 in size;

9 h.g. Any guts, tissues, paunch manure, bones, hairy hides, fleshings, entrails,
10 whole blood, feathers, ashes, cinders, mudstraw, shavings, glass or glass
11 grindings, polishing wastes, grass or grass clippings, rags, spent grains, spent
12 hops, waste paper, wood, plastics, gasoline, tar, asphalt residues from
13 refining, or processing of lubricating oil, mud or concrete washout;

14 i.h. Any radioactive wastes or isotopes of such half-life or concentration
15 exceeding limits established by the Florida Department of Health and
16 Rehabilitative Services as set forth in the Florida Administrative Code which
17 may cause damage or create hazardous conditions to human life, animal life,
18 or equipment or operating personnel of the cCounty wWater uUtilities
19 dDepartment;

20 j.i. Any liquids, solids or gases which by reason of their nature or quantity are,
21 or may be, sufficient either alone or in combination with other substances, to
22 cause fire or explosion or be injurious in any other way to the
23 PBCWUDWWS or the operation of the PBCWUDWWS. These pollutants
24 shall include, but not be limited to, wastestreams with a closed cup flashpoint
25 of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees
26 Celsius), using the test methods specified in American Standard Testing
27 Material standards D-93-79, D-3278-78. This prohibition does not apply to
28 any aqueous solution containing less than twenty-four (24) percent alcohol
29 by volume which would otherwise be a hazardous waste under 40 CFR
30 261.21 by virtue of having a closed cup flashpoint of less than one hundred

1 forty (140) degrees Fahrenheit (60 degrees Celsius). Said prohibited
2 materials shall include but not be limited to, gasoline, kerosene, naphtha,
3 benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorate,
4 perchlorates, bromates, carbonates, hydrides, and sulfides, fuel oil, or any
5 flammable gas, liquid or solid, or any other substance which Palm Beach
6 County, the State of Florida, or any federal agency has determined is a fire
7 hazard or a hazard to the wastewater collection and treatment system. Any
8 and all trucked or hauled pollutants are prohibited except at discharge points
9 designated by the director and in accordance with the provisions set forth in
10 the State of Florida Department of Health and Rehabilitative Services
11 Chapter 10D-6, Florida Administrative Code;

12 ~~k.j.~~ Any noxious, malodorous gas, or substance which, either singly or by
13 interaction with other wastewaters creates a public nuisance or increases the
14 hazard of entry into a sewer for maintenance and/or repair, or causes the
15 ~~c~~County ~~w~~Water ~~u~~Utilities ~~d~~Department violate any federal or state permits;

16 ~~h.k.~~ Any water or wastewater containing toxic pollutants in sufficient quantity,
17 singly or by interaction with other pollutants which will cause harmful effects
18 to humans, animals or the surrounding environment or ~~c~~County ~~w~~Water
19 ~~u~~Utilities ~~d~~Department personnel or equipment. Toxic pollutants shall
20 include, but not be limited to, any pollutant identified pursuant to 40 CFR
21 Part 116, (4);

22 ~~m.l.~~ Any concrete washout, inert suspended solids (such as but not limited to
23 Fullers earth, lime slurries, and lime residues) or dissolved solids (such as but
24 not limited to, sodium chloride and sodium sulfate, washout from concrete
25 production) in such concentrations as to pass-through or interfere with
26 equipment or operations of PBCWUDWWS;

27 ~~n.m.~~ Any excessively discolored wastewater, such as but not limited to dye,
28 printing wastes, food coloring or vegetable tanning solutions;

29 ~~o.n.~~ Any increase in the use of process water or any attempt to dilute a discharge
30 as a partial or complete substitute for adequate treatment to achieve

1 compliance with the limitations contained in the national pretreatment
2 standards, or any other pollutant specific limitation developed by the
3 ~~c~~County ~~w~~Water ~~u~~Utilities ~~d~~Department in accordance with paragraph (3)
4 hereinbelow;

5 ~~p~~o. Any wastewater with BOD, COD or chlorine in such concentrations and/or
6 flows that would create or constitute a significant load or shock to the
7 PBCWUDWWS;

8 ~~q~~p. Any medical wastes as defined in section 27-65 of this article, or addressed
9 in the State of Florida Department of Health and Rehabilitative Services,
10 Chapter 10D-104, Florida Administrative Code (F.A.C.), section 10D
11 104.001 Bio-Hazardous Wastes;

12 ~~r~~q. Any toxic or poisonous substances, chemical elements or compounds taste
13 or odor-producing substances or any other substances which are not amenable
14 to treatment or reduction by the wastewater treatment process utilized by the
15 ~~c~~County ~~w~~Water ~~u~~Utilities ~~d~~Department. Nor shall the discharge be to such
16 a degree that the substances interfere with the biological processes or
17 efficiency of the PBCWUDWWS, or pass-through the PBCWUDWWS and
18 cause the effluent therefrom, or any other product from the PBCWUDWWS,
19 to fail to meet applicable federal or state standards;

20 ~~s~~r. Any stormwater, surface water, groundwater, roof runoff, subsurface
21 drainage, or swimming pool discharge;

22 ~~t~~s. Any volume of flow or concentration of wastewater which constitutes a slug
23 load;

24 ~~u~~t. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil
25 origin in amounts that will cause interference or pass-through.

26 (2) Compliance with state and federal standards. It shall be unlawful for any person to
27 discharge any pollutant into the PBCWUDWWS except when such discharge is in
28 compliance with state and federal standards promulgated pursuant to the Act, any
29 other applicable state.

30 (3) *Local Discharge Standards.* Any wastewaters containing concentrations which

exceed the following local discharge standards at the point of connection to the PBCWUDWWS ~~are~~ is prohibited:

<i>Parameter</i>	<i>Maximum Allowable Concentration Within a 24-Hour Period (mg/liter)</i>
Arsenic, As	0.26
BOD ₅	400.0 <u>10,000.0</u>
Cadmium, Cd	0.25
<u>Chlorides</u>	<u>600.0</u>
Chromium, total, Cr(T)	5.0
Copper, Cu	2.0
Cyanide, Cn	0.5
Hydrogen sulfide	5.0
Lead, Pb	0.8
Mercury, Hg	0.1 <u>0.07</u>
Molybdenum, Mo	0.12
Nickel, Ni	1.0
Oil and Grease	100.0 <u>7,500.0</u>
pH (standard units)	5.5-9.5
Phenols	2.0
Selenium, Se	0.2
Silver, Ag	1.5
TSS	400.0 <u>10,000.0</u>
Temperature (max.) degrees	150.(F.)
Zinc, Zn	2.0

Additional parameters for significant industrial users shall be developed on a case by case basis and this article shall be amended from time to time to provide for the addition of said parameters.

(4) Industrial Wastewater Surcharge Standards. Non-residential users shall be assessed an industrial wastewater surcharge for wastewater containing concentrations which exceed the following surcharge standards:

<u>Parameter</u>	<u>Concentration Within a 24-Hour Period (mg/liter)</u>
<u>BOD₅</u>	<u>400.0</u>
<u>TSS</u>	<u>400.0</u>
<u>Oil and Grease</u>	<u>100.0</u>

Industrial wastewater surcharges shall be assessed by the County Water Utilities Department in accordance with the UPAP.

Section 3. Section 27-70(d) of Chapter 27, Article IV of the Palm Beach County Code is hereby amended as follows:

(d) *Industrial wastewater discharge permit.* All prospective significant industrial users shall apply for any industrial wastewater discharge permit prior to discharge into the

1 PBCWUDWWS. The application contents and approval procedures shall be as set forth in
2 ~~PBCWUD~~ the UPAP, as amended from time to time. The permit shall contain at a minimum, the
3 following conditions:

- 4 (1) Statement of duration;
- 5 (2) Statement of nontransferability;
- 6 (3) Applicable pretreatment standards;
- 7 (4) Self-monitoring, sampling, reporting, notification, and record keeping
8 requirements; and
- 9 (5) Statement of applicable civil and criminal penalties.

10 The cost of said permit shall be incurred by the significant industrial user and shall be in
11 accordance with the fee schedule as set forth in the ~~PBCWUD~~ UPAP, as amended from time to time.
12 ~~The duration of the permit shall not exceed two (2) years and upon expiration of same, a renewal~~
13 ~~permit may be issued which shall be effective for an additional two (2) years provided that the~~
14 ~~conditions of the existing permit have not changed and the appropriate renewal fees have been paid.~~
15 The permit shall be issued for a specified time period not to exceed five (5) years from the effective
16 date of the permit. The permit shall be displayed by the significant industrial user in such a location
17 at the permitted facility so as to be seen and read by the general public.

18 All significant industrial users discharging wastewater into the PBCWUDWWS prior to the
19 effective date of this article are hereby granted temporary authority to continue to discharge in
20 compliance with the existing codes, regulations, and policies of the PBCWUD. This temporary
21 authority shall expire ninety (90) days after the date of notification to the significant industrial user
22 by registered mail of the requirement for an application to be made for an industrial wastewater
23 discharge permit pursuant to this section, temporary authority shall expire on the date the industrial
24 wastewater discharge permit is issued or denied.

25 The industrial wastewater discharge permit shall be applicable only to the significant
26 industrial user, facility and address which is specified on the permit. Said permit shall not be
27 assigned, transferred, sold, moved to a different premises or, automatically cover any new operations
28 at the specified facility without the prior written approval of the director. Any succeeding or new
29 significant industrial user shall notify the director in writing within thirty (30) days of any change
30 of ownership or change of operations of the specified facility.

1 No significant industrial user shall discharge industrial wastewater in excess of the quantity.
2 rate of discharge, or quality as specifically set forth in the permit. Any significant industrial user
3 desiring to modify his discharge shall apply for an amended permit. The procedures to modify a
4 discharge permit or to appeal permit conditions shall be as set forth in the ~~PBCWUD~~ UPAP, as
5 amended from time to time. Issuance of an industrial wastewater discharge permit shall not relieve
6 the significant industrial user from complying with all applicable laws, rules, and regulations
7 promulgated by federal, state and other local government authorities, nor shall the issuance of said
8 permit be construed as a representation by the PBCWUD that the discharge permitted therein
9 complies with all such laws, regulations, and ordinances. Permits are issued solely to govern the
10 discharge of industrial wastewater into the PBCWUDWWS as between the significant industrial user
11 and the PBCWUD, and shall not be construed to benefit any third party. If another municipality or
12 a significant industrial user located within another service area contributes wastewater to the
13 ~~PBCWUDSS~~ PBCWUDWWS, the PBCWUD shall enter into an interlocal agreement with the
14 contributing municipality to address pretreatment requirements in accordance with DEP Rule 62-
15 625, F.A.C.

16 **Section 4. REPEAL OF LAWS IN CONFLICT:**

17 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
18 repealed to the extent of such conflict.

19 **Section 5. SAVINGS CLAUSE**

20 This Ordinance shall not affect or impair the processing and implementation of any permit
21 issued pursuant to the provision of Ordinance 96-3, as amended by Ordinance 96-29. All permits
22 issued pursuant to the provisions of Ordinance 96-3, as amended by Ordinance 96-29, shall continue
23 in full force and effect unless the Palm Beach County Water Utilities Department determines that
24 it is necessary to amend such permits prior to their expiration.

25 **Section 6. SEVERABILITY.**

26 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason
27 held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the
28 remainder of this Ordinance.

Section 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 8. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective January 2, 2001.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 19 day of December, 2000.

DOROTHY H. WILKEN, CLERK
Board of County Commissioners
By [Signature]
DEPUTY CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

[Signature]
Chairman Warren Newell

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY
FLORIDA

By: [Signature]
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 28th day of December, 2000.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 19, 2000
DATED at West Palm Beach, FL on 1/4/01
DOROTHY H. WILKEN, Clerk
By: [Signature] D.C.